

Trustees Evans, Falck and Elliott

After attending the Community Information Meeting on April 7<sup>th</sup> please take into consideration my concerns and suggested changes to Bylaw 114 that were implemented as a result of the adoption of Bylaw 122.

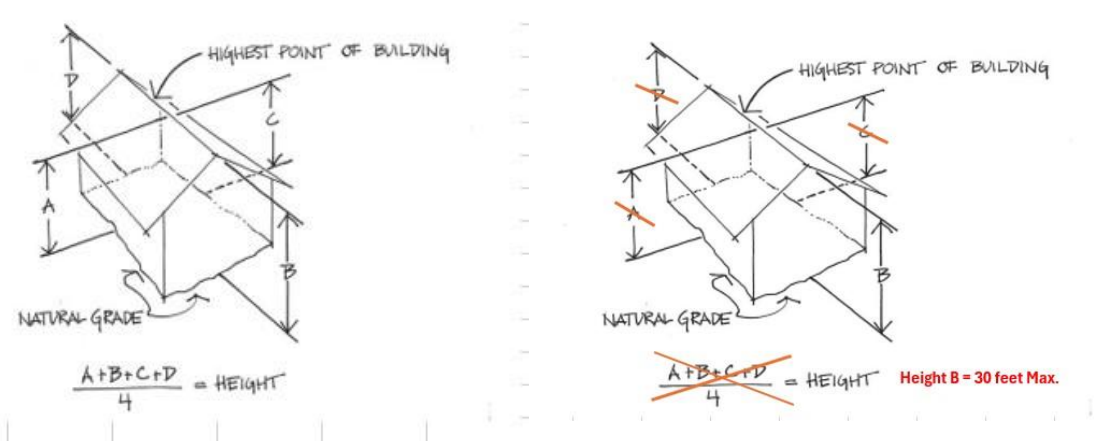
### 3.4(1) Building Height Limitation

The dwelling or cottage 30 ft maximum fixed height was an inclusion in Bylaw 122 with little or no community discussion.

Some anomalies that are now included in Bylaw 114 after Bylaw 122 adoption:

- To avoid confusion shouldn't the height graphic (shown below) be changed to reflect the 30 ft max adopted in 122 i.e. Height "B" is now the highest point with a max. of 30 feet., so A, C and D are superfluous in my opinion.
- No consideration is given to existing dwellings that now exceed the 30 ft max height and are now rendered Legal Non-Conforming (LNC).
- If a dwelling now exceeds the Max Dwelling Height no LNC exemption clause was included similar to those written for Max Dwelling Size and Setbacks.
- There are **21(10%)** of the dwellings that have 3 stories - basement, 1<sup>st</sup> floor and 2<sup>nd</sup> floor designation. It is reasonable to assume some are now LNC with the 122 max height specification. *(BC Assessment)*
- All the other Southern Gulf Islands LUB's use the same maximum height calculation used by Bylaw 114 prior to the changes adopted by 122.

### Current LUB 114 Definitions after 122 Adoption:



### Resolve:

Change **3.1(4)** back to pre-122 "at no point may a dwelling or cottage shall not (add) exceed 9.2 metres (30 feet) in height", using the previous method of calculating Max Dwelling Height and which is currently still the definition.

- Consistent with how other SGI islands calculate their maximum dwelling height.
- Removes dwellings exceeding 30 ft max that have become Legal Non-Conforming.

## Floor Area

There is confusion about the “*floor area*” definition:

In three (3) different documents used to define “*floor area*”, notice that three (3) different definitions are reflected.

- a. “*floor area*” means the sum of the horizontal areas of all storeys in a building, measured to the **outer inner** surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, **and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.**  
(*Blackline version prior to 122 Adoption*)
- b. “*floor area*” means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the **outer-inner** walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, **and exclusive of all areas of a storey having a floor and a ceiling less than 1.5 metres apart.**  
(*Handout at CIM 2024.04.07*)
- c. “*floor area*” means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the **outer-inner** walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, **and exclusive of all areas of a storey having a floor and a ceiling less than 1.5 metres apart, and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.** (*Bylaw 114 – I.T. Website*)

“**basement floor area**” means any portion of a storey in a dwelling with a lower floor that is located 1.5 metres or more below natural grade.

### Resolve:

**Strike** from c: **and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.** (*Bylaw 114 – I.T. Website*)

It is important to remove this clause (*blue*) as its inclusion renders more dwellings Legal Non-Conforming because the square footage (ft<sup>2</sup>) of an enclosed attached garage is now required to added to the dwelling total square footage.

- This is unfair, because if one was to build 2 car detached garage, its ft<sup>2</sup> would only be counted against Lot Coverage, whereas if the same 2 car garage is attached to the dwelling, then the garage ft<sup>2</sup> must not only be added to the Lot Coverage but also to the dwelling ft<sup>2</sup> (living space) – how is that fair or logical especially when the detached garage in all likelihood will have a greater environmental impact on the lot than the detached garage?
- There are **95** garages (*BC Assessment*) and while we are unsure of the ratio of the detached to attached garages, we know that BC Assessment does not include attached garages ft<sup>2</sup> in the dwelling ft<sup>2</sup> figures, so surely more dwellings with attached garages have become Legal Non-Conforming due to the “enclosed” statement.
- An enclosed attached garage is not considered living space in most jurisdictions.
- Rescind the “**basement floor area**” from the definitions, as the planner pointed out at the CIM the term is not used anywhere in Bylaw 114 and therefore has no purpose.

## Shipping Containers

Shipping Containers, in my opinion, are not something that we would like to see proliferate on South Pender. Given the ease of installation and perhaps the cost benefits relative to an equivalent stick built accessory buildings, proliferation could easily happen.

Points of Clarification for Shipping Containers:

- Is there any foundation requirement for shipping containers?
- While they “*are a permitted accessory use*”, but are they considered an Accessory Building?
- If they are an “Accessory Building” then can they be used as “Temporary Dwelling” if they meet the conditions specified in **3.5(2)**?
- Does a Shipping Container(s) square footage count against Lot Coverage?
- Can they be stacked and if so, is the total container square footage included in lot coverage calculations?
- Why are there a different lot size categories for shipping containers from those for dwellings – for consistency shouldn’t all lot size categories be the same?

I believe shipping containers should be allowed only with a Temporary Use Permit (TUP), as they are not aesthetically pleasing and, in my opinion, don’t subscribe to the rural nature of our island.

### **Groundwater Protection**

It was my impression from the *CIM 2024.04.07* that lined ponds should not and would not be considered for “freshwater catchment systems”. I feel however that ponds should not be unilaterally discounted in favour of tanks only – especially on larger properties. Indeed ponds are encouraged in the Islands Trust Building Site Fact Sheet: see “[Safe water is essential](#)” [Southern Gulf Islands Building Site Fact Sheet \(islandstrust.bc.ca\)](#)

Since there are no stipulations for what a freshwater storage system is required to be used for, some benefits of a pond are:

- Aesthetically more pleasing than large Plastic Tanks (which do not require screening.)
- Source of water for fire fighting and likely more easily accessible for fire fighting particularly in dry summer months.
- Creates a eco environment that fits our “rural nature” initiative, by providing a water source for birds, insects and animals all of which require water.
- We should at least consider some of the benefits of ponds for a freshwater catchment system, particularly on larger properties?

Thank you for your consideration.

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